

Nicholas P. Roxborough, Esq. (Bar No. 113540)
 Michael L. Phillips, Esq. (Bar No. 232978)
 ROXBOROUGH, POMERANCE & NYE LLP
 5820 Canoga Ave., Suite 250
 Woodland Hills, California 91367
 Telephone: (818) 992-9999
 Facsimile: (818) 992-9991
 E-Mail: npr@rpnlaw.com
mlp@rpnlaw.com

Attorneys for Plaintiffs/Counter-Defendants, LARGO
 CONCRETE, INC. and N.M.N. CONSTRUCTION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARGO CONCRETE, INC., a California
 Corporation; N.M.N. CONSTRUCTION,
 INC., a California Corporation.

Plaintiffs,

v.

LIBERTY MUTUAL FIRE
 INSURANCE COMPANY, a
 Massachusetts Corporation, and DOES 1
 through 100, inclusive.

Defendants.

AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)
The Hon. Charles R. Breyer

**STIPULATION AND ~~PROPOSED~~
 ORDER PERMITTING COUNSEL
 TO APPEAR BY TELEPHONE FOR
 ORAL ARGUMENT ON
 PLAINTIFFS' *EX PARTE*
 APPLICATION TO STAY
 PROCEEDINGS**

Hearing Date: 03/07/08

Complaint filed: September 10, 2007

Plaintiffs/Counter-Defendants LARGO CONCRETE, INC. and N.M.N.
 CONSTRUCTION, INC ("Largo") and Defendant/Counter-Claimant LIBERTY
 MUTUAL FIRE INSURANCE COMPANY ("Liberty"), by and through their counsel,
 hereby enter into this Stipulation with respect to the following facts:

WHEREAS, on January 29, 2008, Largo filed an *Ex Parte* Application to Stay
 Proceedings Pending Disposition of Petition for Writ of Mandamus and for Rulings on

1 Objections Submitted by Largo to Evidence Presented by Liberty in Support of Motion
2 to Disqualify RPN;

3 WHEREAS, on February 11, 2008 the Court filed its Order requesting oral
4 argument on Largo's *Ex Parte* Application for a Stay and indicating that the Court will
5 not rule on Objections Submitted by Largo to Evidence Presented by Liberty in Support
6 of Motion to Disqualify RPN;

7 WHEREAS, the offices of counsel for both Largo and Liberty are located in
8 Southern California;

9 WHEREAS, counsel for Largo and Liberty desire to present their arguments to
10 the Court on Largo's *Ex Parte* Application in a time and cost efficient manner.

11 For these reasons, IT IS HEREBY STIPULATED by the parties, through their
12 respective counsel of record, that the Court enter an Order as follows:

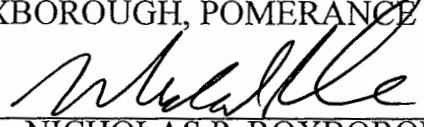
13 A. Counsel for Largo and Liberty shall be permitted to appear via telephone
14 for the hearing on Largo's *Ex Parte* Application to Stay Proceedings
15 currently scheduled for 10:00 a.m. on Friday, March 7, 2008.

16 B. The call will be initiated by the Court at 10:00 a.m. on February 1, 2008
17 and counsel for Largo and Liberty will be on stand-by until this matter is
18 called for hearing by the Court clerk.

19 IT IS SO STIPULATED.

20 DATED: March 3, 2008

ROXBOROUGH, POMERANCE & NYE LLP

21 By: 
22 NICHOLAS P. ROXBOROUGH, ESQ.
23 MICHAEL L. PHILLIPS, ESQ.
24 Attorneys for Plaintiffs/Counter-Defendants,
LARGO CONCRETE, INC. and N.M.N.
CONSTRUCTION, Inc.

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1 DATED: March 3, 2008

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

2
3 By: 
4 FRANK FALZETTA
5 SCOTT SVESLOSKY
6 Attorneys for Defendant/Counter-Claimant
LIBERTY MUTUAL FIRE INSURANCE
COMPANY

7 **ORDER**

8 The Court, having read and considered the foregoing Stipulation, and good cause
9 appearing therefore,

10 IT IS HEREBY ORDERED AS FOLLOWS:

- 11 A. Counsel for Largo and Liberty shall be permitted to appear via telephone
12 for the hearing on Largo's *Ex Parte* Application to Stay Proceedings
13 currently scheduled for 10:00 a.m. on Friday, March 7, 2008.
14 B. The call will be initiated by the Court at 10:00 a.m. on February 1, 2008
15 and counsel for Largo and Liberty will be on stand-by until this matter is
16 called for hearing by the Court clerk

17
18 DATED: March 5, 2008

